

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALIGN TECHNOLOGY, INC.,

Case No. C05-2948 MMC (JCS)

Plaintiff(s),

v.

ORTHOCLEAR, INC., ET AL,

Defendant(s).

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL FURTHER
RESPONSES TO REQUEST FOR
PRODUCTION AND INTERROGATORIES
[Docket No. 81]**

Plaintiff's Motion to Compel Further Responses to Request for Production and Interrogatories (the "Motion") came on for hearing on April 21, 2006, at 9:30 a.m. Richard E. Elder appeared for Plaintiff, Align Technology, Inc. Darin W. Snyder appeared for Defendants OrthoClear, Inc. and OrthoClear Holdings, Inc. Having heard the arguments of counsel and for the reasons stated on the record, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. With respect to Request Nos. 20 and 21 of Plaintiff's October Request for Production (the "October Request"), the Motion is GRANTED IN PART. Defendants shall produce all documents regarding the training of dentists and orthodontists regarding invisible orthodontics.
2. With respect to Request Nos. 38 and 39 of the October Request, the Motion has been withdrawn.
3. With respect to Request Nos. 43 and 44 of the October Request, the Motion is GRANTED IN PART. Defendants shall produce all communications between Defendants on one hand and any dentists or orthodontists on the other, that refer to the quality of Align's products.

- 1 4. With respect to the January 23, 2006 Interrogatory No. 1 to OrthoClear Holdings,
2 Inc., the Motion is GRANTED IN PART. Defendants shall identify all of the
3 shareholders of OrthoClear Holdings, Inc. that are also officers, directors, or
4 employees of OrthoClear, Inc., and with respect to each such shareholder, the
5 percentage of share ownership and the purchase dates of the shares.
- 6 5. With respect to Request Nos. 40 and 45 of Plaintiff's January 23, 2006 Request for
7 Production (the "January Request"), the Motion is DENIED.
- 8 6. With respect to Request Nos. 15 and 16 of the January Request, the Motion is
9 DENIED.
- 10 7. With respect to Request No. 3 of the October Request, the Motion is DENIED as
11 moot.
- 12 8. With respect to Request No. 35 of the January Request, the Motion is DENIED.
13 Except as so expressly granted, the Motion is DENIED. Defendants shall provide the
14 information and documents required by this Order not later than **April 28, 2006**.

15 IT IS SO ORDERED.

16
17 Dated: April 24, 2006



JOSEPH C. SPERO
United States Magistrate Judge